

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No: 1:15 CV 1046
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
CITY OF CLEVELAND,	)	DECLARATION OF BRIAN CARNEY
	)	
Defendant	)	

For his Declaration, Brian Carney states as follows:

1. I have first-hand knowledge of the facts set forth herein in my duties as Commander, Bureau of Compliance, Cleveland Division of Police (CDP).
2. CDP uses certain proprietary software programs designed for law enforcement purposes, under licenses granted by the administrators of the programs.
3. Such programs include, but are not limited to, Law Enforcement Record Management System (LERMS); IAPro; BlueTeam; Brazos; and Evidence.com.
4. These programs are repositories of data that is restricted from unauthorized access or dissemination under Ohio law, including but not limited to R.C. § 2913.04.
5. Restricted data in these programs includes information gained from access to the Law Enforcement Automated Data System (LEADS) maintained by the Ohio Department of Public Safety.
6. Restricted data in CDP's software programs also includes information gained from access to the Ohio Law Enforcement Gateway (OHLEG) maintained by Ohio Bureau of Criminal Investigation (BCI).

**EXHIBIT  
B**

7. During the pendency of this action, members of the Monitoring Team have directly accessed CDP's proprietary software programs, including LERMS and IAPro.

8. For example, an activity report on IAPro shows the following: (i) 98 total activities, by current or former Monitoring Team members, with the activity code, "editing linked citizen"; (ii) 38 total activities, by current or former Monitoring Team members, involving access to medical records; (iii) 13 total activities, by current or former Monitoring Team members, referencing OHLEG; (iv) 384 total activities in which a Monitoring Team member copied file information to another location, including interviews, images, body camera footage, investigative reports, LERMS reports, OHLEG information, and medical reports.

9. I believe that CDP allowing direct access to CDP's propriety software programs or providing unredacted printouts of records from such programs for non-law enforcement purposes may be at risk of disseminating restricted information without the consent of, or beyond the scope of the express or implied consent of, the chair of the law enforcement automated data system steering committee and the superintendent of the bureau of criminal identification and investigation, in violation of R.C. § 2913.04.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on March 6, 2024.

Signed: Brian Carney  
COMMANDER BRIAN CARNEY